

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**THERESA M. EICHENMULLER and  
COLIN B. EICHENMULLER,**

**Plaintiffs,**

**v.**

**Case No. 8:23-cv-1362-WFJ-AAS**

**DEBT COLLECTORS INT'L,  
INC.,**

**Defendant.**

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**ORDER**


Plaintiffs Theresa M. Eichenmuller and Colin B. Eichenmuller (collectively, the plaintiffs) request entry of clerk's default against Defendant Debt Collectors International, Inc. (DCI). (Doc. 7).

Under Federal Rule of Civil Procedure 55(a), "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." The plaintiffs filed his complaint against DCI on June 19, 2023. (Doc. 1). The plaintiffs' process server served a copy of the summons and complaint on an employee for DCI's registered agent on June 27, 2023. (Doc. 6). This service is adequate under the relevant state and federal procedural rules. *See* Fed. R. Civ. P. 4(h)(1)(A), (e)(1) (stating service of process on corporations may be completed in accordance with "state law for serving a

summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made”); FLA. STAT. § 48.062 (permitting process on behalf of a limited liability company in Florida to be served on “any employee of the registered agent” of the limited liability). DCI’s answer to the plaintiffs’ complaint was due July 19, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A)(i) (stating a defendant who does not waive timely service must serve an answer “within 21 days after being served with the summons and complaint.”).

To date, DCI has not answered the plaintiffs’ complaint and has otherwise failed to plead or defend itself in this action. Entry of clerk’s default is thus warranted. The plaintiffs’ motion for clerk’s default (Doc. 7) is **GRANTED**. The Clerk is **DIRECTED** to enter default against DCI.

**ORDERED** in Tampa, Florida on July 27, 2023.

  
AMANDA ARNOLD SANSONE  
United States Magistrate Judge